



**COMMONWEALTH of VIRGINIA**  
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July 28, 2004

Dr. Jo Lynne DeMary  
Superintendent of Public Instruction  
Department of Education  
Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Repeal of Regulations Governing Diplomas –  
High School Completion  
(8 VAC 20-200-10)**

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to repeal the above Regulations Governing Diplomas – High School Completion, 8 VAC 20-200-10.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. No doubt the Board had the requisite authority originally to promulgate these regulations. The General Assembly has subsequently addressed the requirements relating to diplomas in § 22.1-253:4, and three sets of regulations of the Board carry out legislative directives (Regulations for Establishing Standards for Accrediting Public Schools in Virginia, 8 VAC 20-131-50; Regulations Governing Adult High School Programs, 8 VAC 20-30-20; and Emergency Regulations Governing the General Achievement Diploma, 8 VAC 20-680-10). As a result, the above-referenced regulation is outdated and arguably superseded. Repeal of these regulations is an appropriate and advisable course of action.

The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah Love Feild

Senior Assistant Attorney General